

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
November 14, 2005**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth A Kip@ Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Marchman  
Commissioner John Eckbert  
Commissioner Barbara DeVane  
Commissioner Douglas Metcalf  
Commissioner Douglas Storer

Also present:

City Attorney Trippe Cheek  
City Manager James Williams  
City Clerk Cynthia Bonham

**MAYOR'S REPORT:**

- a) Proclamation – Family Month Presentation to Wilford Woodruff Academy Students Council.

Mayor Marchman provided a proclamation to the Wilford Woodruff Academy Student Council regarding Family Month and comments were provided on the importance of family and spending valuable time with your children.

- b) Recognition of the Glenridge Middle School Girls Soccer Team for winning their second straight County championship.

Mayor Marchman provided a certificate of recognition to the Glenridge Middle Schools Soccer team for winning their second straight county championship. Coach Stevens and the girls from the team were present to receive this recognition.

Item added not on the agenda

Mr. Russell Troutman requested that the Public Safety Building be named after Police Chief Raymond Beary who recently passed away. Mr. Troutman spoke about the type of man Chief Beary was and that he is well deserved of this honor. There was consensus to send this request to the Parks and Recreation Commission for review.

- c) Proclamation – Retirement of Roger Mobley, Fire Department.

Mayor Marchman provided a proclamation to Roger Mobley for 28 years of service to the City.

- d) Proclamation – Retirement of Byron Cravey, Fire Department.

Mayor Marchman provided a proclamation to Byron Cravey for 31 years of service to the City.

- e) November 2005 Outstanding Employee of the Month – Cecilia Meeks.

Mayor Marchman recognized Cecilia Meeks, Finance Department as the November 2005 Outstanding Employee of the Month.

- f) Board appointments - Committee to oversee the process of studying redevelopment opportunities for the Holler and Progress Energy properties.

Commissioner Storer nominated George Herbst; Commissioner Metcalf nominated Bill Forness; and Commissioner Eckbert nominated Brian Canin.

- g) Discuss the appointment of additional Comprehensive Plan Task Force members.

Commissioner DeVane nominated Drew Krecicki; Commissioner Storer nominated David Lamm; Commissioner Eckbert nominated Jay Cohen (he stated both his appointments (above also) are making sure their schedules will allow for this appointment); and Mayor Marchman nominated David Strong.

- h) Board appointment - Pedestrian and Bicycle Board – Cori Downing.

Mayor Marchman nominated Cori Downing to the board; seconded by Commissioner Storer and carried unanimously.

Recognition not on agenda

Mayor Marchman recognized the Winter Park High School Girls Volleyball Team that won the State title yesterday.

**NEW BUSINESS – CITIZENS COMMENTS:**

1. Zack Sebold, The Parks Realtors, 301 Park Avenue N., addressed a new real estate brokerage opening on Park Avenue and that he asked permission to open such a business at that location and was denied. He stated he was told that no new brokerages not grandfathered in before the policy was made banning new brokerages would be allowed. He addressed that Windsong Realty opened up at 130 Park Avenue and asked if this was going to be corrected. Mayor Marchman stated that staff will review this and spoke about the distinctions about what is and not allowed.
2. Lurline Fletcher, 790 Lyman Avenue, spoke about her concerns with the trash left on the streets on the west side of Winter Park. She asked about the amount of pickups from the garbage company that they are paying for because they are only coming twice a week.
3. Carolyn Cooper, 1047 McKean Circle, asked if the meeting times could be changed to later in the evening to accommodate more residents.
4. Pamela Roush, 733 Granville Drive, opposing Ordinance No. 2598-04 (Planned Development Overlay), asked that it be repealed. She submitted the letter she read into the record (attached to the minutes).

5. William Traylor, 150 Chelton Circle, spoke against the pace and size of building projects, lack of setbacks, traffic flow impact, and what he believed to be a lack of communication regarding larger projects. He spoke about the post office project and his opposition to its approval.

6. Michelle Rodriguez, 1667 N. Park Avenue, spoke against the Denning Drive apartment project, its need for more green space and the parking garage next to single family residences.

### **CITY ATTORNEY'S REPORT:**

- a) RESOLUTION NO. 1932-05: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING THE UNIVERSITY OF CENTRAL FLORIDA'S PROPOSAL FOR A MEDICAL SCHOOL

Attorney Cheek read the resolution by title. No public comments were made.

**Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.**

Commissioner DeVane suggested that the Economic Development Board request a presentation by Dr. Hitt on the economic impact of a medical school to Orange County and that the Economic Development Board also join the Commission in adopting a resolution as well.

### **CONSENT AGENDA:**

- a) Approve the minutes of 10/10/05 and 10/27/05.
- b) Authorize staff to maintain a deposit of approximately \$1,000,000 at BankFirst for the Socially Responsible Banking Program.
- c) Approve the cancellation of the December 26, 2005, Commission meeting due to the holiday.
- d) Approve the fee waiver request from DePugh Nursing Home for rental of the Civic Center on February 16, 2006, for their 50<sup>th</sup> Anniversary Volunteer Appreciation Luncheon.
- e) Approve the request of the Cornell Museum to hang banners from January 15-31, 2006 to celebrate their grand reopening after major renovations.
- f) Approve the amended policy regarding banners on light poles which addresses the types of banners displayed throughout the City; not limited only to Park Avenue and Morse Boulevard.
- g) Approve the request of the Concours d' Elegance to hold the event in Central Park on October 22, 2006; and to hang banners on Park Avenue two weeks before their October 22, 2006, event with the caveat that if the Autumn Art Festival wants to display banners on the light poles for the festival for the weekend before the car event, the Concours d' Elegance banners would not be displayed until after the art festival.
- h) Approve the following bids and purchases:
- 1) PR's as noted on the attached list for vehicles for FY 06. Total of all PR's = \$729,384.00 (Budget: Vehicle Replacement Fund).
  - 2) PR 121756, to Perma Liner Industries, Inc., for a lateral lining system for the Utilities department (see note attached for break down); \$49,634.65 (Budget: Utilities Water and Wastewater).

- 3) ITN-15-2005, Food Catering Services (emergency stand-by) to Puff 'n Stuff to be used on an as-needed-basis only. Prices are on attached bid tabulation.
- 4) Extension of Bid WP-6-2004, Towing/Wrecker Service with Link's Automotive, Inc., with the price increases as requested (Budget: PD and/or MT).
- 5) PR #121923, to Data Flow Systems, Inc. for spare telemetry units from Data Flow (OEM) for emergency use; \$47,692.25 (Budget: Utilities Maintenance).
- 6) PR 122072 to Southern Sewer Equipment Sales, for a Vac-Con sewer cleaner from FDOT contract ITB-DOT-02/03-9026-LG-1, item #3; \$224,811.00 (Budget: Vehicle Replacement Fund).

Bill Rosenfelt, 1400 New York Avenue, spoke in opposition to Consent Agenda Item 4b. He stated he wanted to know how much money the City has on deposit at the various banks in Winter Park. He stated that Mr. James Barnes is the owner/CEO of BankFirst and also serves on the Economic Development Advisory Board. He cautioned the City about the ethical viewpoint of some people concerning this deposit.

**Motion made by Commissioner Storer to approve the Consent Agenda; seconded by Commissioner Metcalf. The motion carried unanimously.**

Commissioner DeVane asked for feedback concerning the banner policy and the ones automatically hung. She stated she noticed omission of other cultural institutions in the City such as the Morse Museum, Cornell Museum and Polasek Museum. She encouraged staff to ask them if there is a special event they would like to recognize and to schedule banners to be hung.

### **PUBLIC HEARINGS:**

- a) Request of Sydgan Corporation for the redevelopment of the properties at 410 & 550 Denning Drive, 800/828/844 Swoope Avenue, 781/783/835 W. Canton Avenue and 441/437 N. Capen Avenue for a 105 unit two/three story apartment project with a four level parking garage:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE PLAN MAP AND ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATION TO MULTI-FAMILY AND PARKS AND RECREATION AND TO CHANGE THE EXISTING ZONING FROM SINGLE FAMILY (R-1A) AND MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT, TO MULTI-FAMILY RESIDENTIAL (R-4) AND PARKS AND RECREATION (PR) DISTRICTS ON THE PROPERTIES AT 410 AND 550 DENNING DRIVE, 800, 828 AND 844 WEST SWOOPE AVENUE, 781, 783, 835 WEST CANTON AVENUE AND 441 AND 437 NORTH CAPEN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

City Attorney Cheek read the ordinance by title.

Planner Briggs provided a brief overview of the request. He stated that the property in question is comprised of R-3 and R-1A single family zoning. Mr. Briggs explained that under the current zoning the applicant is permitted to build 55 units and that the request to rezone to R-4 increases the number of units to 105. He reported that the Planning and Zoning Commission has approved

the request by a 3-2 vote for the following reasons: 1) the project's conformity to the Denning Drive Charrette in terms of the setbacks and the three story height along Denning Avenue; and 2) the dedication of the park that is required as a condition of approval. He said that .70 acre of the Capen/Canton corner is being dedicated to the City as park land to compensate for the increase in density. He said this could be the same size building with less units but the applicant proposed to build smaller studios and one-bedroom units to make the project more affordable. Planner Briggs continued that the project contains an internal parking garage that supports the design standards preferred because it hides the parking component from the street. Mr. Briggs continued that minimal planned development variances were granted for setbacks, but noted that the project received a 3-2 affirmative vote from the Planning and Zoning Commission (P&Z) with the conditions as outlined.

Commissioner DeVane inquired whether revised plans were submitted that addressed her concern with the building proposed along Denning Drive. She expressed her opposition in having one building that extends the entire length of the block. Mr. Briggs responded that the planned development process is two phases; the applicant obtains a conceptual approval then later returns to the P&Z and City Commission for final approvals on development plans. He said the City Commission provides direction to the developer that they submit plans with architectural variations for the front elevations along Denning Drive and to create breaks in the long façade.

Applicant Dan Bellows, 533 W. New England Avenue, reported that the parking garage contains three stories and four parking levels. He said the parking garage is only 36 feet and three inches to the top of the deck and is the same height as the two story product on Swoope Avenue. He elaborated on the revisions that have been made to comply with the comments expressed at the multiple public meetings. He stated that the Denning façade meets all requirements, is architecturally pleasing, and that the architect is currently working on shifting entries that will result in clear views into the greenspace and central core of the project.

In regards to the park, Mr. Bellows elaborated on emails that suggested he is attempting to renegotiate on the park decision and provided a recap of that meeting. He confirmed that the total donation of park land is .70 acres (30,500 square feet) as presented at the public hearings. He continued that he has agreed to allow the removal of the entitlements from the .70 acres as it relates to building. He asked that since the land is still valuable, that the development agreement contain the language that the applicant will deed 30,500 square feet or .70 acres of land to the City, but retain the right, upon mutual agreement between himself and the Commission, to be able to provide that 30,500 square feet or .70 acres within the CRA area. He elaborated on the opportunity of trading property located on New England. He expressed his support that any decision related to the park return to the P&Z for approval.

Commissioner Storer concerned with preserving the integrity of the nine recommendations from the Planning and Zoning Commission, inquired whether re-examining the park will impact condition #3 that identifies particular parcels. Mr. Bellows stated that he is proposing the exact same amount of land. He restated his agreement to donate .70 acres or 30,500 square feet of park land. He expressed his preference of obtaining the flexibility to provide other land in the City for a park.

Commissioner DeVane expressed her concern of a solid façade along Denning Drive with the only entrance break for a parking garage. She asked if the project can be redesigned as multiple buildings and expressed her opposition to the project as one building. Mr. Bellows addressed Commissioner DeVane's concern by elaborating on the parking entrance, setbacks and courtyard features. Commissioner DeVane elaborated on the comments expressed by the

public and their opposition to monolithic buildings in residential areas. Additionally, Commissioner DeVane commented on the requirement that regulates the number of park space per 100 people and that she believed the .70 acre proposed is a bare minimum that is accepted.

Bill Rosenfelt, 1400 New York Avenue, opposed to property trades, expressed his preference that this return to the Planning and Zoning Commission.

Margie Bridges, 767 Antoinette Avenue, explained she was one of the dissenting votes on P&Z because she believed that all the details had not been worked out. She elaborated on the need for greenspace and asked that the project return to the Planning and Zoning Commission to deal with the increase in density issue. Commissioner Storer asked that Ms. Bridges elaborate on the discussion at the P&Z that addressed the deviation from the park space requirement. Ms. Bridges provided a brief overview of this issue.

Susan Gabel, 1539 Golfside Drive, asked that the Commission deny this request.

Lurline Fletcher, 790 Lyman Avenue, provided and read the comments from a signed petition by residents opposed to this request.

Rick Frazee, 1921 Englewood Road, asked that this project be delayed until decisions are made on the Comprehensive Plan and guidelines are in place to move forward with development. He spoke of the importance to incorporate green space into the project for the residents that will occupy the buildings.

Margie Wagner, 181 W. Stovin Avenue, spoke against the granted variance for the parking garage setback and the number of parking spaces required versus the number proposed. She asked that the project return to the Planning and Zoning Commission.

Art Creighton, 2761 Will O the Green, as an affordable housing property manager, explained the issues that need to be considered that involve multi family residential structures.

Tom McMacken, 1821 Shiloh Lane, commented on the public process and postponing the project until after a decision is made on the proposed moratorium ordinance.

Carolyn Cooper, 1847 McKeen Circle, appreciative of the developers' quality products, expressed her concerns with policies and commitments that are made to citizens. She elaborated on a 1994 zoning issue that involved a property in the Westside community.

Kim Allen, 271 Virginia Avenue, opposed to the request, expressed her concern with the proposed density, traffic impact, and the impact to schools.

Joe Terranova, 450 Melrose Avenue, urged approval of the change of zoning. Appreciative of Commissioner DeVane's concerns with the building size and green space, elaborated on how those issues can be addressed. He urged the Commission to approve the ordinance change which will enable the developer to submit his plans to the P&Z for approval.

Commissioner DeVane expressed her reservations and concerns with the project. She elaborated on the low number of residents that live within the 500 foot radius of the project that attended the P&Z meeting and the residents that did not attend but have expressed their opposition, but prefer to remain anonymous. She inquired into the number of parking spaces required under the City's current parking code versus the number of spaces proposed. She

suggested eliminating one of the parking levels which she believed would result in an acceptable parking garage. Commissioner DeVane sought clarification on the number of proposed parking spaces. Mr. Bellows elaborated on what he believed was an effort to centralize future parking that will benefit the community.

Commissioner DeVane commented on the purpose of the adoption of the Park Acquisition Policy impact fee and the issues that it addressed. She explained that the purpose the City has retained a consultant is to address the inadequacy of park land and the Park Acquisition Policy in the Comprehensive Plan. She expressed that her main issue with the proposed project is the building size and the commitment that has been made to the Westside community of not encroaching on residential properties by rezoning R-1 properties to R-4. She suggested that the entire project return to the Planning and Zoning Commission because of all the unanswered questions.

Commissioner Metcalf commented on park areas and whether individual lots can be defined as contiguous for the purpose of park land. He expressed his preference of the 30,000 feet to exist in one location. He questioned whether the property trade or the individual lots proposed is a solution.

Commissioner Storer elaborated on the proposed moratorium under consideration and the inequity of denying a project that has been through the required process. He continued that based upon public input about the need for residential units for the Westside community, this Commission prioritized the need for diversity of housing for the Westside. He expressed his concern with the vote from P&Z, and the unresolved park issue. He was in support of the type of building and the number of stories proposed, but expressed his concern if an agreement can be reached on whether R-4 zoning is appropriate for Denning Drive based upon the comments expressed at the design charrettes and the P&Z meeting. He said based upon his reasons expressed, the project should return to the Planning and Zoning Commission.

Commissioner Eckbert inquired into the conclusion of R-4 zoning that resulted from the design charrette for Denning Drive. Planner Briggs explained the impetus that prompted the design charrettes and why both sides of Denning Drive were examined. He said the conclusion once the public process was completed, was there would be a 3.5 story height limit on the Winter Park Village side (west side of the street), that the east side could continue to develop as multi family with a three story building similar to what exists on New England, and the south side of Canton would develop as traditional family units.

Commissioner Eckbert sought clarification whether the design charrette addressed the zoning issue. Planner Briggs responded that the charrette did not address specifically whether Denning Drive should be R-3 or R-4, but addressed maximum heights and proper setbacks for buildings on the east side of Denning Drive. Commissioner Eckbert asked whether the proposed building complies with the criteria that resulted from the design charrette. Planner Briggs restated that the only product that resulted from the design charrettes were height and setbacks. He said the proposed project conforms to the design charrette criteria and no decision was made on the number of units appropriate for across the street in terms of configurations. Commissioner Eckbert asked how the proposal compared with what was proposed at the charrette. Planner Briggs reiterated that in terms of the three-story maximum height and the 20' setback that matches the design charrette, the project meets the criteria exactly.

Commissioner Metcalf asked that Mr. Briggs elaborate on what could be proposed if the R-1A properties are acquired and the whole block is developed; and whether the area can result in over development. Planner Briggs summarized the P&Z's review of the entire block.

Commissioner DeVane expressed her concern over the P&Z deliberating on future plans for private properties without property owners present. She expressed what she believed could be perceived as condemnation when garages are permitted and zoning changes are granted that would potentially create higher density properties. She suggested other alternatives that could result in what she believed to be more appropriate zoning. She expressed her concern with the use of the design charrette on Denning Drive and whether the results obtained should be used as criteria for approvals. She inquired into the number of attendants at the design charrette.

Commissioner Eckbert sought clarification on the proposal as suggested by Commissioner Storer. Commissioner Storer explained his preference of the project returning to the P&Z to address recommendation #3 that involves the dedication of park space, and the validity of moving R-4 zoning into what is currently R-1. He commented on the need for diversity of housing, but noted his concern of the precedent it sets in the corridor. Commissioner Storer elaborated that the P&Z embodies the expertise needed to address technical issues such as these. Discussion ensued regarding whether recommendation #3 meets the requirements of the existing park regulations.

Mayor Marchman expressed his concern with the appearance, aesthetics and scale of the project. He commented he was amenable to returning the project to the Planning and Zoning Commission, but noted the need of indicating the reason for the return and what needs to be evaluated.

**Motion by Commissioner DeVane to return the project to the Planning and Zoning Commission for further consideration and to address the listed conditions in addition: 1) that the parking and greenspace issues be fully resolved with an agreement in place (as specified in items 38 of P& Z recommendations), and that they include distinctions between onsite greenspace as required for whatever building occurs there as well as additional public/park space for the neighborhood; 2) to address the size of the parking garage and whether it is premature to build a 320 space parking garage; 3) to address and reconsider the size and façade of the building along Denning Drive by possibly breaking up the building into smaller units; 4) and to address infringement on R-1A property. Motion seconded by Commissioner Storer and carried unanimously.**

Mayor Marchman elaborated that the City's Strategic Planning Process is designed to review issues such as these.

Recess taken from 5:42 – 5:48 p.m.

b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA HEREBY JOINS IN AND CONSENTS TO THE ELOCATION OF SAID SWALE EASEMENT AT LOT 3 OF WINDSONG – PRESERVE POINT, PARTICULARLY DESCRIBED HEREIN. First Reading

Substituting for Attorney Cheek who was not present, City Manager Williams read the ordinance by title. No public comments were provided.



**Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.**

- c) Conditional Use Request of the Castle Group to build three, two story townhouses at 1385 Orchid Avenue.

City Planner Jeffrey Briggs presented the staff report. He stated that the applicant is requesting conditional use approval under the 'cluster housing' provisions of the R-2 zoning to permit the construction of a three unit 2-story townhouse condominium project on the property located at 1385 Orchid Avenue. He reviewed the dynamics of the surrounding neighborhood, companion and earlier zonings, the redevelopment trend of the neighborhood, the project proposal, and tree preservations.

He explained the plan was revised as a result of an earlier P&Z meeting and that the applicant is now in conformance with the conditions imposed by the P&Z and the comments expressed by the surrounding neighbors. Mr. Briggs reported that the P&Z has recommended approval with the understanding that the architectural details return to them and City Commission respectively, for approval.

Mayor Marchman asked for public comments. No comments were provided.

**Motion made by Commissioner DeVane to approve the conditional use request, seconded by Commissioner Metcalf. The motion carried unanimously.**

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE PLAN MAP AND ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH FUTURE LAND USE AND ZONING DESIGNATIONS ON THE PROPERTIES ANNEXED ON TURNER ROAD, BLOSSOM LANE, FOUNTAIN LANE, RIPPLING LANE AND LAKE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Cheek read the ordinance by title. No public comments were provided.

Planner Briggs explained that in June 2004, the City annexed the neighborhood located north of Lake Killarney and south of Lee Road that includes Turner Road, Blossum Lane, Fountain Lane, Rippling Lane and Lake Drive. He said the entire neighborhood is zoned R-1A from Orange County's previous zoning and that the ordinance establishes the same Single Family Residential future land use designations for those properties in our Comprehensive Plan as previously existed in Orange County and the same Single Family (R-1A) zoning.

Commissioner Metcalf asked if this ordinance establishes that all future development within the specified area will need to meet Winter Park codes. Planner Briggs responded affirmatively.

**Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.**

- e) ORD-Establishing a moratorium until April 1, 2006 on the acceptance of applications and the issuance of approvals for rezonings or planned development approvals for major commercial, office and/or multi-family development projects.

Mayor Marchman explained that even though the proposed moratorium ordinance will not be officially read until the November 28, 2005, Commission meeting, he asked that the City Attorney read the ordinance. Mayor Marchman restated that this was not a first reading of the ordinance; it was only being addressed for discussion purposes. Attorney Cheek read the ordinance by title.

Planner Briggs stated that the ordinance as presented addresses the issues directed in the approved newsletter that the Commission is considering an ordinance for the downtown business and CRA districts. He said that a detailed staff report will be provided at the November 28, 2005, meeting that will include both the pros and cons of implementing a moratorium as well as the staff recommendation.

Commissioner DeVane stated the reason for this discussion is because the original ordinance she had proposed did not specify the central business and CRA districts. She explained that after participating in discussions with staff, it was decided to specify the areas because that is where all the redevelopment is occurring. She said she wanted to present the ordinance at this meeting so if any modifications needed to be made, they could be resolved by the first reading of the ordinance.

Commissioner Storer expressed his interest in improving the public process, but asked that staff provide a schedule of public hearings to obtain public input. Additionally, Commissioner Storer expressed his opposition of a moratorium for an extended period of time. He asked that staff provide a timeframe on how this process will be accomplished by May 1, 2006.

Commissioner Eckbert asked that staff address how the results of the expanded Comprehensive Plan Study will dovetail with the proposed timeframe. He asked that staff provide information on what remains to be completed with the Comprehensive Plan and what can be accomplished within this timeframe in relation to the Comprehensive Plan.

Commissioner Metcalf asked to include the City's gateway in the overall process and in the ZIP (Zoning In Process) program. Mayor Marchman emphasized the importance of the November 30 meeting and the effort to address the public misconception that the City does not have a planning process in place, and how the City intends to improve the level of communications in reference to the planning process to residents.

Joe Terranova, 700 Melrose Avenue, opposed to moratoriums that stop processes, elaborated that the City has a process in place that perhaps requires discussion and re-examination. He cautioned the Commission that if a moratorium is imposed, that it contain a definite expiration date and no extensions.

Tom McMacken, 1821 Shiloh Lane, supportive of a moratorium, stated that it needs to contain a timeframe and a defined expiration date. Mayor Marchman confirmed that the proposed ordinance includes an expiration date of May 1, 2006.

Carolyn Cooper, 1047 McKeen Circle, asked that a vision be established before working on the Comprehensive Plan. Appreciative of the planning procedures in place, stated they fall short of addressing multi-use complexes.

Mayor Marchman commented that the Commission recognized the need to create a vision for the City, and on the strategic planning process that is underway to address the future.

Bill Rosenfelt, 1400 New York Avenue, supportive of the Comprehensive Plan in place, expressed his concern with the overlay procedure because he believes it gives the perception that the process is not being carried through. He suggested a review of the old and the new Comprehensive Plan and to include the residents in the process.

Margie Wagner, 181 W. Stovin Avenue, inquired whether the input provided at this meeting determines whether the first reading of the proposed ordinance will take place. She expressed her support of the proposed ordinance.

Mayor Marchman stated that the proposed ordinance will be officially addressed and its first reading will take place at the November 28, 2005, Commission meeting.

Sharon Strong, 155 Stovin, asked for a clarification on the dates for the public hearings for the proposed moratorium ordinance and the ordinance's expiration date. Mayor Marchman reminded everyone of the dates for the public hearings and the Town Meeting.

Commissioner DeVane sought clarification from Commissioner Metcalf and his preference to include the City's gateways in the process. Commissioner Metcalf clarified that he wanted to include the gateways into the City as part of the Comprehensive Planning process.

### **CITY MANAGER'S REPORT:**

a) Update on the Holiday lighting.

Susan Finnegan provided an update on the 2005 holiday lighting plan. She stated that lights will not be in the trees on Park Avenue or on the Westside this year because the blue lights previously sent needed to be replaced but that time will not allow for this to happen this year because of the complexity. She commented that they decided to wait a year and determine the light options next year and will allow time to receive feedback from the public as to whether or not they missed the lights in the trees this year. Ms. Finnegan addressed what will take place on Park Avenue this year. She spoke about utilizing LED lights for their project. She displayed a picture of the type of lights they will use and that they will be at the New England, Morse and Canton intersections of Park Avenue. She stated the lights should arrive this week and that staff will install them. She stated they offered a proposal earlier to the retailers on Park Avenue for hand rolled Italian clay pots with live eugenia trees in them but received a limited response. She stated they have purchased, potted and placed 80 so far but only sold about 36. She stated the trees around the fountains in Central Park will have lights. She addressed the City maintaining the potted trees. Ms. Finnegan also displayed the banners to be put on the light poles that would stand out during the daytime.

Ms. Finnegan summarized the finances associated with the lights, pots with trees, banners and debt left over from 2004 that their funds did not cover. She addressed the hard costs for the labor for the banners, to install the intersection lights, to water the trees in the pots, and to change the batteries being overtime by the City. She stated their donations to date is \$56,761.00 which has been tough year to raise money; addressed the sale of the pots bringing in revenue,

the in-kind donations, and money pledged but not received yet; totaling monies raised of \$84,228.00. She stated with the funds that the City pledged brings them to \$109,228.00. She summarized their estimated expenses and the shortfall of \$26,862.00 which is the cost of their labor.

She stated that the City has committed another \$25,000 toward the project and they asked for the funds to go toward covering the labor costs. She addressed the letters provided by staff regarding overtime costs to water the plants and to change the batteries. She spoke about the possibility of utilizing volunteers to change the batteries which she believed would not work because of concerns with their weight and the need to ensure that all the batteries are charged and changed daily. She asked the Commission to review the figures for overtime with staff because she believed the amount was too high. She asked that there be no lights or fake greenery on the light posts along Park Avenue. She suggested wrapping the poles in the bandstand in Central Park with the garland that would not be used on the poles on Park Avenue.

Ms. Finnegan concluded by stating she hopes the Commission enjoys the park and Park Avenue and will feel that the project is worthy of the continued support and the \$25,000 to pay the labor cost. Commissioner DeVane asked Ms. Finnegan about the sale of the other pots. Ms. Finnegan stated they hope to sell them as additional income for the project. Mayor Marchman reminded the Commission about the contingency that they will receive another \$25,000 from the City if they raised \$100,000. Ms. Finnegan stated they have raised that amount if you count the City's initial support. She addressed the pledged monies not yet received. Commissioner DeVane asked if staff can do this or if we need to hire part-time help for the holidays to try and reduce the labor cost.

Parks and Recreation Director Holland spoke about the outstanding details and staying power Ms. Finnegan's group has provided. He pointed out options concerning the labor. Public Works Director Attaway addressed the battery maintenance and their labor cost estimate as provided due to some uncertainties at this point. Ms. Finnegan stated the batteries, once charged, should last 24 hours but that they have not actually tested it to be sure.

Commissioner DeVane suggested holding discussions as to how many people will be necessary for the different tasks involved in this project and how temporary help could be hired for this project to reduce the labor cost. She addressed the \$84,000 raised and suggested giving them 85% of the other \$25,000 (\$21,000). Upon discussion, there was a consensus to provide them the entire \$25,000 to be used toward the labor. City Manager Williams commented that there will be an overage in the overtime budget at the end of the year and that this will refund the overtime budget. There was further discussion regarding options for hiring less expensive temporary help. Ms. Finnegan requested that City staff oversee any help to be sure the batteries are changed every day. Consensus to allow up to \$25,000 toward the labor but that staff will try to do it cheaper. There was consensus to utilize the banners on the light poles and only put the garland on the stage.

- b) Petition to remove the roundabout and install a 4-way stop at Selkirk Drive and Banchory Road.

Public Works Director Troy Attaway addressed the petition received to remove the roundabout at Selkirk Drive and Banchory Road that was installed in 1998 through a demonstration project. He stated a significant number of residents signed the petition showing dissatisfaction with the roundabout. He stated the study showed that there was only an impact with the roundabout 200 feet before and after. He stated it can be removed and that the petition asked that four way stops

be installed. He stated that staff's recommendation is to remove the roundabout and perform a warrant study at Selkirk Drive, Banchory Road and Dunraven and address the four way stop at that time.

There was a Commission consensus to move forward with staff's recommendation. Mr. Attaway stated there is only one more roundabout in the City that they will review if it becomes an issue. Commissioner Storer asked if there is any merit to bricking those intersections since the road will already be torn up. Mr. Attaway responded it would take a lot more effort to remove the road and install bricks because the area being repaired is only the center area. He stated they have seen that only bricking an intersection has no great impact on speed and creates a noise issue that is opposed by some residents.

Commissioner DeVane addressed Brookshire Elementary working with the Health Foundation on healthy ways of getting children to school so they ride their bikes or walk. She asked that staff consider this when reviewing which intersections make more sense for a four way stop sign and to demarcate the pedestrian crossings to create a safer pathway to school.

**NEW BUSINESS (CITY COMMISSION):**

1. Commissioner Storer spoke about the location of the valet parking in the City lots not being ideal. He stated it takes prime parking spaces away from shoppers. He suggested that the valets go to the opposite end of the parking lot where the least spaces are used. He stated only signage needs to be moved and should be moved to the opposite corner of the parking lot along New York Avenue. There was a consensus to move forward with changing this.

2. Commissioner Eckbert requested that staff report back with the scope of all the committees they have approved to be sure he understands what the different groups are working on and their responsibilities. He asked if the Comprehensive Plan Task Force responsibility is to review gateways, City-wide issues or only the downtown development core. Mayor Marchman stated the Comprehensive Plan takes into consideration the entire City but that staff should look at the most efficient way to accomplish it and set out a scope of work among the groups.

Commissioner Eckbert asked if the process is to go through these review boards, then the P&Z, then to the Commission; or are they reporting directly to the Commission and if so, how they solicit P&Z input. He asked what resources are available to the various committees/task forces. He stated that no expense should be spared to pursue a resolution of this and if experts need to be hired to adequately address these issues, then it should be done. Mayor Marchman stated that staff needs to provide information regarding the process and to make it happen which would require all of staff and the Commission to make it happen. Commissioner Eckbert inquired as to the strategic planning session.

Mayor Marchman adjourned the meeting at 7:02 p.m.

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Mayor Kenneth R. Marchman

ATTEST:

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City Clerk Cynthia Bonham